

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

1 David C. Powell (SBN 129781)
Email: dpowell@reedsmith.com
2 David S. Reidy (SBN 225904)
Email: dreidy@reedsmith.com
3 Ashley L. Shively (SBN 264912)
Email: ashively@reedsmith.com
4 REED SMITH LLP
101 Second Street, Suite 1800
5 San Francisco, CA 94105-3659
Telephone: +1 415 543 8700
6 Facsimile: +1 415 391 8269

7 Attorneys for Defendant
Merrill Lynch, Pierce, Fenner & Smith, Inc.,
8 successor in interest to Banc of America
Investment Services, Inc.

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

11 ELWOOD QUESADA, JAMES DeROSA, and
12 Others Similarly Situated,

13 Plaintiffs,

14 vs.

15 BANC OF AMERICA INVESTMENT
SERVICES, INC., NKA MERRILL LYNCH,
16 PIERCE, FENNER & SMITH, INC,

17 Defendant.

Case No. CV-11-01703 YGR

**JOINT STIPULATION TO CONTINUE
MEDIATION DEADLINE AND CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

Date: November 6, 2012
Time: 2:00 p.m.
Location: Ctrm. 5

Honorable Yvonne Gonzalez Rogers

**JOINT STIPULATION TO CONTINUE MEDIATION DEADLINE AND CASE
MANAGEMENT CONFERENCE**

This Stipulation is made by and between Plaintiff Elwood Quesada (“Plaintiff”) and Defendant Merrill Lynch, Pierce, Fenner & Smith, Inc., successor in interest to Banc of America Investment Services, Inc. (“Merrill Lynch”) (Plaintiff and Defendant are referred to as “the Parties”) by and through their respective counsel of record.

STIPULATION

WHEREAS, on September 11, 2012, this Court heard oral argument on Plaintiff’s motion for class certification, and took such motion under submission. As of the date of this filing, the Court has not yet issued its Order on Plaintiff’s motion;

WHEREAS, the Parties have been ordered to complete mediation by October 31, 2012;

WHEREAS, a Status Conference in this matter is set for November 6, 2012;

WHEREAS, the outcome of Plaintiff’s motion will materially impact mediation;

WHEREAS, the Parties agree it is in the interest of judicial economy to continue the mediation deadline 45 days, and continue the status conference approximately one week thereafter;

WHEREAS, the foregoing facts evidence good cause for the requested continuance.

THEREFORE, IT IS HEREBY STIPULATED:

The PARTIES stipulate that good cause exists to continue the mediation deadline 45 days to December 14, 2012, and to continue the status conference approximately one week thereafter.

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1 **SO STIPULATED:**

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3 DATED: October 17, 2012

REED SMITH LLP

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5 By /s/ Ashley L. Shively
6 Ashley L. Shively
7 Attorney for Defendant
8 Merrill Lynch, Pierce, Fenner & Smith, Inc.,
9 successor in interest to Banc of America Investment
10 Services, Inc.

11 DATED: October 17, 2012

LAW OFFICES OF JON E. DRUCKER, PC

12 By /s/ Jon E. Drucker
13 *[holographic signature on file]*
14 Jon E. Drucker
15 Attorney for Plaintiff
16 Elwood Quesada
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[PROPOSED] ORDER

Pursuant to the above Stipulation of the parties, and good cause appearing thereon, this Court hereby orders that the mediation deadline is **CONTINUED** to **December 14, 2012**, and the status conference is **CONTINUED** from November 6, 2012 to **January 7, 2013** at **2:00 p.m.** The parties shall file a joint status conference statement no later than one week prior to the status conference.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 17, 2012


Honorable Yvonne Gonzalez Rogers